

**WORKFORCE DEVELOPMENT DEPARTMENT[871]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 96.11, the Director of the Workforce Development Department hereby amends Chapter 26, “Contested Case Proceedings,” Iowa Administrative Code.

These amendments allow parties to file unemployment insurance appeals online using a form that is available on the Iowa Workforce Development Web site.

Notice of Intended Action was published in the October 16, 2013, Iowa Administrative Bulletin as **ARC 1094C**. No public comment was received. These amendments are identical to those published under Notice.

After analysis of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 96.6(3) and 96.7(4) and chapter 17A.

These amendments will become effective on February 12, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 871—26.4(17A,96) as follows:

**871—26.4(17A,96) Commencement of unemployment benefits contested case.**

**26.4(1)** An unemployment benefits contested case is commenced with the filing, by mail, facsimile, online or in person, of a written appeal by a party with the appeals ~~section~~ bureau of the department. The appeal shall be addressed or delivered to: Appeals ~~Section~~ Bureau, Department of Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319. An online appeal is filed by completing and submitting an online appeal form available on the Iowa workforce development Web site.

**26.4(2)** An appeal from an initial decision concerning the allowance or denial of benefits shall be filed, by mail, facsimile, online, or in person, not later than ten calendar days, as determined by the postmark or the date stamp, after the decision was mailed to the party at its last-known address and shall state the following:

- a. The name, address and social security number of the claimant;
- b. A reference to the decision from which appeal is taken; and
- c. The grounds upon which the appeal is based.

**26.4(3) and 26.4(4)** No change.

**26.4(5)** Appeals transmitted by facsimile or online which are received by the appeals ~~section~~ bureau after 11:59 p.m. Central time shall be deemed filed as of the next regular business day.

ITEM 2. Amend rule 871—26.5(17A,96) as follows:

**871—26.5(17A,96) Commencement of employer liability contested case.**

**26.5(1)** An employer liability contested case is commenced with the filing of a written appeal with the appeals ~~section~~ bureau of the department by mail, facsimile, online, or in person. The appeal shall be addressed or delivered to: Appeals ~~Section~~ Bureau, Department of Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319. An online appeal is filed by completing and submitting an online appeal form available on the Iowa workforce development Web site.

**26.5(2)** An appeal from a decision of the tax section of the department concerning employer status and liability, assessments, contribution (tax) rate, successorship, workers’ status, and all questions regarding coverage of a worker or group of workers shall be filed, by mail, facsimile, online, or in person, not later than 30 calendar days, as determined by the postmark or the date stamp, after the decision was mailed to the party at its last-known address and shall set forth the following:

- a. The name, address, and Iowa employer account number of the employer;
- b. The name and title of the person filing the appeal;
- c. A reference to the decision from which the appeal is taken; and

*d.* The grounds upon which the appeal is based.

**26.5(3)** Appeals transmitted by facsimile or online which are received by the appeals ~~section~~ bureau after 11:59 p.m. Central time shall be deemed filed as of the next regular business day.

ITEM 3. Strike “appeals section” wherever it appears in rules **871—26.6(17A,96)**, **871—26.9(17A,96)** and **871—26.16(17A,96)** and insert “appeals bureau” in lieu thereof.

[Filed 12/17/13, effective 2/12/14]

[Published 1/8/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/8/14.